

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CASE NO. 3:16CR110

ANGELA ROY

AMENDED MOTION IN LIMINE

Comes now the United States of America by and through the Acting United States Attorney for the Northern District of Mississippi respectfully moving the Court to revisit the government's Motion in Limine as regards the proposed testimony of Michael Brazell. In support whereof the government would respectfully show unto the Court the following, to wit:

The landscape has changed somewhat since the government's original Motion in Limine. The defense has served government counsel with a Notice of Alibi asserting that the defendant Angela Roy was not involved in the robbery of the Randolph Post Office but rather was at home with her sixteen year old daughter in the Wilmer/Mobile, Alabama area, some four and one half or five hours south of Randolph. Additionally, the Defense has notified the government that it intends to call Thomas Lamont Hamer as a defense witness. He is a prisoner at the Lafayette County Detention Center who is expected to say that Richard Thomas Scott told him that he robbed the post office with his male cousin and his cousin's girlfriend, Tiffany, which Scott denies. In effect, the defendant's proof will portray her as knowing nothing about a robbery in Randolph Mississippi. The government's original Motion in Limine proffered the proposed testimony of Michael Brazell that Angela Roy tried to get him to commit the crime, that they even drove to Randolph and cased the post office, and that Angela Roy told him that they would have to

kill the postmaster. The government understands the Court's concern regarding that testimony. Killing the postmaster (although the proof will show they tried) is particularly prejudicial.

The government would not be offering Michael Brazell's testimony pursuant to Rule 404(b) of the Federal Rules of Evidence as it does not relate to extrinsic evidence of other wrongs or crimes. It would instead be offered under Rule 403 as intrinsic evidence of this defendant's intent to commit the crime and it is the government's most probative evidence on that point. However, understanding the Court's concern about the prejudicial nature of the proposed testimony, the government respectfully asks the Court to permit the testimony, but with instructions to the witness not to mention Ms. Roy's statement that they must kill the postmaster, testifying simply that she wanted him to help her commit the crime and that they traveled from the Wilmer/Mobile area to remote Randolph, Mississippi, to "case" the post office. That testimony would provide the jury with crucial information. It is otherwise inexplicable that two Mobile area residents would travel all the way to Randolph, Mississippi in the hinterlands of Pontotoc County, Mississippi, to commit this robbery.

Wherefore, in light of the defendant's alibi defense and the expected testimony of Thomas Lamont Hamer, the government respectfully requests that the Court revisit the issue pursuant to Rule 403 of the Federal Rules of Evidence, simply as evidence of this defendant's intent to commit this crime, deleting any reference to killing the postmaster.

Respectfully submitted,

/s/ Robert H. Norman

ROBERT H. NORMAN

Acting United States Attorney

Mississippi Bar No. 3880

CERTIFICATE OF SERVICE

I, ROBERT H. NORMAN, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I electronically filed the foregoing **AMENDED MOTION IN LIMINE** with the Clerk of the Court using the ECF system which sent notification of such filing to:

Robert W. Davis, Jr., Esq.
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This the 20th day of October, 2017.

/s/ Robert H. Norman
ROBERT H. NORMAN
Acting United States Attorney